

126

A DIGEST OF THE

Acts of the Commonwealth

RELATING TO THE

MASSACHUSETTS MEDICAL SOCIETY,

TOGETHER WITH THE

BY - L A W S

AND

RULES AND ORDERS OF THE SOCIETY AND COUNCILLORS.

B O S T O N :

DAVID CLAPP & SON. PRINTERS. ... 35 BEDFORD ST.

1887.

Box 1340

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A DIGEST OF THE ACTS OF THE COMMONWEALTH

Relating to the Massachusetts Medical Society,

NOW IN FORCE.

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I. As health is essentially necessary to the happiness of society, and
as its preservation or recovery is closely connected with the knowledge
of the animal economy and of the properties and effects of medicines;
and as the benefit of medical institutions, formed on liberal principles,
and encouraged by the patronage of the law, is universally acknow-
ledged,—The Fellows and their successors shall be, and continue for-
ever, a body politic and corporate by the name of

“The Massachusetts Medical Society.”

II. The Fellows of the Society shall have one common seal, and
power to break, change, and renew the same at their pleasure.

III. The Fellows of the Society shall have full power and authority
to make and enact such Rules and By-Laws, for the better government
of the Society, as are not repugnant to the laws of this Commonwealth;
and to annex reasonable fines and penalties to the breach of them, not
exceeding the sum of twenty pounds.

IV. The Fellows, at their annual meetings, whenever such a num-
ber shall be present as the regulations of the Society may require, may
revise, alter, enlarge, and repeal the By-Laws of the Society, as the
major part of the Fellows present may see fit, and not otherwise.

V. The Fellows of the Society may sue and be sued in all actions,
real, personal, or mixed, and prosecute and defend the same unto final
judgment and execution, by the name of the “Massachusetts Medical
Society.”

VI. The Treasurer, for the time being, is authorized to sue, in the
name of the Society, in an action of debt, before any Court proper to
try the issue, for such sums of money as may become due to the Society
from any person being, or who has been, or who shall become a Fellow
thereof, for the annual, or other assessments of the Society, or for
penalties accruing under and by virtue of the By-Laws and votes of the
Society, by declaring generally, against the defendant, as indebted to
the Society for the penalty, or sum due, setting forth the substance only
of such By-Law or vote: and the Society shall thereafter recover judg-

1 ment for so much debt or damage as they shall prove to be due, and no
2 more.

3 VII. The Treasurer shall have full power and authority to sue for,
4 and recover, such reasonable fees of office, as shall be established by
5 the Society for the examination of candidates and for letters testimonial
6 in favor of such as shall be approbated.

7 VIII. The Fellows of the Society may, and shall forever, be deemed
8 capable in law of having, holding, and taking in fee simple, or any less
9 estate by gift, grant, devise, or otherwise, any land, tenement, or other
10 estate, real or personal; *provided*, that the annual income of the whole
11 real estate shall not exceed the sum of two hundred pounds, and the
12 annual income or interest of said personal estate shall not exceed the
13 sum of six hundred pounds—valued in silver at six shillings and eight
14 pence per ounce.

15 IX. The annual income or interest of the said real and personal
16 estate, together with the fines and penalties paid to the Society or re-
17 covered by them, shall be appropriated to such purposes as are con-
18 sistent with the end and design of the institution of the Society, and
19 as the Fellows thereof shall determine.

20 X. The Society is authorized to use the annual income of their
21 permanent fund to defray current expenses.

22 XI. The Fellows of the Society shall not be liable to be enrolled or
23 mustered in the militia of this Commonwealth.

DISTRICT SOCIETIES.

24 XII. The Councillors may establish within Districts and portions of
25 this Commonwealth, subordinate Societies and meetings, to consist of
26 the Fellows of the Society residing within such districts respectively—
27 wherein the communication of cases and experiments may be made, and
28 the diffusion of knowledge in medicine and surgery may be encouraged
29 and promoted. And the members of such subordinate societies shall be
30 holden to report to the Councillors of the general Society all such cases
31 as may be selected for their importance and utility.

32 XIII. These subordinate societies shall be subject to the regulations
33 of the general Society, in all matters wherein the general Society shall
34 be concerned. They may appoint their own officers, and establish
35 regulations for their particular government, not repugnant to the By-
36 Laws of the general Society; and shall be capable to purchase, and re-
37 ceive by donation, books, philosophical and chirurgical instruments, or
38 other personal property, and may hold and dispose of the same, exclu-
39 sive of any authority of the general Society.

40 XIV. On the application of any five Fellows, the Councillors shall
41 be authorized to subdivide or alter any of said districts, and to make
42 new districts whenever the public good may seem to require it.

43 XV. Each of the District Societies into which the Massachusetts
44 Medical Society has been or may be divided, may elect annually, by
45 ballot, from among its members, the Councillors and Censors to which,
46 by the By-Laws of the Society, it may be entitled. And such Coun-
47 cillors and Censors shall hold their respective offices for the year next
48 ensuing, and until others have been elected in their places.

COUNCILLORS.

XVI. The Councillors, elected by the District Societies, shall assemble and convene three times in the year, at such times and places as the By-Laws of the general Society shall direct; *provided*, that the first stated or annual meeting shall be held in the same place and within thirty days before or after the annual meeting of the general Society; and at such other times and places as the By-Laws may direct, and whenever notified to convene by their presiding officer.

XVII. At their annual meetings the said Councillors shall proceed to appoint, from among themselves, a President, and such other officers of the Society as are and shall be required in the Rules and By-Laws thereof to be so appointed.

XVIII. At any meeting of the said Councillors, they may fill any vacant office; and perform any other duties, as the By-Laws of said Society shall direct.

CENSORS, OR EXAMINERS.

XIX. The Censors, elected by the District Societies, for the purpose of examining candidates; shall, at least three of them, be convened in Boston on the Thursday next preceding the annual meeting of the general Society, and at such other times and places as the By-Laws shall direct.

XX. The Censors, at their stated meetings in each of the said districts, shall examine all who may offer themselves to be approved as practising physicians or surgeons, who have received such an education as is, or may be from time to time, prescribed by the regulations of the Society, and who are duly qualified as candidates for such examination.

XXI. If the said Censors shall unreasonably refuse to examine any person who is duly qualified for such examination, they shall severally forfeit a sum not exceeding four hundred dollars, to be recovered by such candidate for his own use.

OFFICERS.

XXII. The Fellows of the Society shall have full power and authority, from time to time, to determine and establish the names, number, and the duty of their several officers, and the tenure or estate they shall respectively have in their offices; and also to authorize and empower their President, or some other officer, to administer such oaths to such officers as they, the Fellows of the Society, shall appoint and determine for the well-ordering and good government of the Society, provided the same be not repugnant to the laws of this Commonwealth.

FELLOWSHIP.

XXIII. Any person of good moral character, found to possess the qualifications prescribed by the Rules and Regulations of the Society, shall, upon examination by the Censors, and not otherwise, be admitted a Fellow; and the Fellows shall have power to suspend, expel or disfranchise any Fellow of the Society.

1 XXIV. All persons so elected, shall, within one year after such
2 election, subscribe the By-Laws of the Society, or otherwise declare in
3 writing their assent to the same; or such election shall be void.

4 XXV. The Councillors, at any of the three stated meetings of the
5 same, and only at these meetings, and after three months' nomination of
6 every candidate, and not otherwise, may, by a major vote of those pre-
7 sent, elect any suitable person, not resident within this Commonwealth,
8 to be an honorary member of the Society.

LICENTIATES.

9 XXVI. Every candidate who shall be approved by the Censors,
10 shall be entitled to letters testimonial, under their hands, of their ap-
11 probation and of their license to practise physic or surgery, or both;
12 which letters shall be sealed with the seal of the Society, and shall be
13 signed by the President and Secretary thereof; and every person who
14 shall receive the said letters testimonial, and being of good moral charac-
15 ter, and not otherwise, shall, upon application, and subscribing the By-
16 Laws, be admitted a Fellow of the Society, while a resident practitioner
17 of medicine or surgery within this Commonwealth.

18 XXVII. No person shall be entitled to his letters of license, until
19 he shall pay such reasonable fees as shall be established by the Society
20 to be paid for such examination and letters of license.

21 XXVIII. When any person who has been educated to the practice
22 of physic or surgery, in any place out of this State, and who has come
23 into this State to pursue the same, shall present himself to either of the
24 Boards of Censors as a candidate for their approbation or license—if
25 they are satisfied that he has received an education equivalent to that
26 prescribed by the regulations of the Society, and that he has been duly
27 examined and approved by some competent authority, they may license
28 him to practise physic or surgery, or both, as the case may be, without
29 subjecting him to a new examination.

MEETINGS.

30 XXIX. The Fellows shall have full power and authority to establish
31 the place, time, and manner of convening the Fellows of the Society;
32 and also to determine the number of Fellows that shall be present to
33 constitute a meeting of the Society; *provided*, that the annual meeting
34 may be held in such one of the principal towns or cities of the Com-
35 monwealth as the Society or the Councillors shall, from year to year,
36 determine.

BY-LAWS.

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1887.

FELLOWSHIP.

I. CANDIDATES for admission into the MASSACHUSETTS MEDICAL SOCIETY may be either male or female; and every candidate must, by proper credentials and examination, satisfy the Censors of said Society that he possesses the following qualifications for Fellowship:

That he is not less than twenty-one years of age; that he is of sound mind, and good moral character: that he has a good general English education; that he has a knowledge of the principles of experimental philosophy; that he has such an acquaintance with the Latin language as is necessary for a good medical and surgical education; that he has studied medicine and surgery three full years under the direction, and attended the practice, of some reputable, regularly educated physician or physicians; that he has attended two terms of study, or two full courses of lectures in separate years, at an authorized medical school, recognized by the Councillors of said Society, and possesses a diploma or its equivalent from such school; that he does not profess to cure diseases by, nor intend to practise, spiritualism, homœopathy, allopathy, Thompsonianism, eclecticism, or any other irregular or exclusive system, generally recognized as such by the profession or declared so by the Councillors of said Society; and, by a further examination, a part of which shall be in writing, that he has an adequate knowledge of anatomy, pathological anatomy, physiology, general and medical chemistry, materia medica, therapeutics, midwifery, the theory and practice of medicine, clinical medicine, surgery, clinical surgery, hygiene, and public hygiene.

If successful in such an examination as to his credentials, character, personal and professional qualifications, to the satisfaction

1 of at least three of the Censors present, the candidate, after pay-
 2 ing the District Treasurer the assessment for the current year and
 3 signing the By-Laws, shall receive a certificate of membership
 4 (Digest, XXVI., XXVII.), and be enrolled a Fellow of the
 5 Society.

6 II. A candidate may be examined at any stated meeting of
 7 Censors; but, if the examination be unsatisfactory, he shall not
 8 be reëxamined by any Board of Censors in less than six months
 9 afterwards. (XX., XXI.)

10 Application for examination or reëxamination must be made
 11 to the Secretary of the Society of the District in which the can-
 12 didate resides.

13 III. Every Fellow shall be entitled to a Diploma on the
 14 payment of such sum as the Councillors shall from time to time
 15 determine.

HONORARY MEMBERSHIP.

16 IV. A candidate for election to Honorary Membership in the
 17 Society shall be nominated to the Councillors at a Stated Meeting,
 18 by two or more Fellows, and said nomination shall be referred to
 19 the Committee on Membership and Resignations, who shall report
 20 at the next Stated Meeting.

21 The affirmative vote of two-thirds of the Councillors present
 22 shall be necessary to elect to Honorary Membership. (Rule 10.)

REQUIREMENTS AND PRIVILEGES.

23 V. Every Fellow of the Society, unless Honorary or Retired,
 24 shall be annually assessed such sum as the Councillors shall from
 25 time to time determine—to be prepaid from year to year on or
 26 before each annual meeting of the Society; but assessments may
 27 be remitted in any case, on the recommendation of the Committee
 28 on Finances, by a vote of the Councillors.

29 Any Fellow who has arrived at the age of sixty-five years,
 30 has paid all his assessments, or has been excused from them, and
 31 has notified the Treasurer of the Society thereof in writing,
 32 may, on recommendation of a Committee and by a vote of the

Councillors, become a Retired Member. He shall be entitled to all the privileges of a Fellow, and shall conform to all the requirements of the Society, and be subject to all its penalties, except that he shall not be liable to assessments, nor be bound to accept any office in the Society.

VI. Any Fellow, whose dues have been paid or remitted, may, on written application and for satisfactory reasons, first examined and reported upon by a Committee, be allowed to resign Fellowship and to withdraw from the Society by a vote of the Councillors.

Any Fellow removing out of the State may have liberty to retain his Fellowship so long, and only so long, as he punctually pays the annual assessment.

Any one who has retired or resigned, or lost his Fellowship by removal from the State, may, on application in writing, be restored to full Fellowship by the vote of the Councillors at any Stated Meeting.

ETHICS AND DISCIPLINE.

VII. Any Fellow who has not paid an assessment to the Society for five consecutive years, and who, after due notification of his delinquency, neglects, or declines, without sufficient excuse, to pay his dues, may, on report of the Committee on Membership and Resignations, be dropped from the Roll of Fellows by a vote of the Councillors.

Any Fellow may be punished by censure, disfranchisement, or expulsion (Digest, XXIII.), or be deprived of his privileges, on conviction by a Board of Trial (in the manner specified in By-Law XXXI.), upon charges of the following description, made to the President of the Society in writing, and signed by three or more Fellows, viz.:—

For any gross or notorious immorality, or for any crime of which he may have been convicted.

For any attempt to disorganize or to destroy the Society.

For the breach of any By-Law of the Society, for which censure, disfranchisement, expulsion, or deprivation of privileges is made the penalty.

1 For furnishing to any person, or presenting in his own behalf, a
 2 false certificate or statement of character or studies as a student,
 3 or principles as a practitioner of medicine, tending to deceive the
 4 public or the Censors of the Society.

5 For any conduct unbecoming and unworthy an honorable
 6 physician and Fellow of this Society.

7 VIII. Any person engaged in the practice of medicine or sur-
 8 gery in this Commonwealth, who has not received such a medical
 9 education as is required by By-Law I., and any one guilty of
 10 practices forbidden to Fellows (I.), shall be deemed an irregular
 11 practitioner; and it shall be disreputable and unbecoming (VII.)
 12 for any Fellow to advise or consult with any such irregular prac-
 13 titioner, or in any way to abet or assist him as a practitioner of
 14 medicine or surgery.

15 IX. Any person who publicly advertises for sale, or otherwise
 16 offers to the public, any medicine the composition of which he
 17 keeps secret, or offers to cure any disease by any such secret
 18 medicine, or by any secret treatment, shall be considered an
 19 irregular practitioner; and, if a Fellow of this Society, shall be
 20 liable to expulsion, or to such other penalty as a Board of
 21 Trial may think proper to inflict. (XXXI.)

22 X. There shall be annually appointed by the Councillors a
 23 Committee of five (three of whom shall be its quorum), to be called
 24 the Committee on Ethics and Discipline, whose duty it shall be
 25 to listen to complaints or charges which any individual or Society
 26 may wish to bring against a Fellow, and to cause such charges
 27 to be carried before a Board of Trial, if the Committee think it
 28 expedient; whose further duty it shall be to consider any per-
 29 sonal matters or questions of privilege, so called, when the hear-
 30 ing thereof in general meeting is objected to by any Fellow;
 31 and to report upon any question of Ethics or Discipline which
 32 may be referred to it for such purpose by the Councillors or by
 33 the Society.

ANNUAL MEETING.

34 XI. A meeting of the Fellows of this Society shall be held,
 35 annually, in such one of the towns or cities of the Commonwealth,
 36 on such Wednesday in May or June, and at such hour, as the

Councillors shall, from year to year, determine. Ten Fellows shall constitute a quorum, but a less number may adjourn the meeting from time to time.

DISTRICT SOCIETIES.

XII. The Commonwealth shall be divided by the Councillors into Medical Districts, which may, from time to time, be subdivided or altered as circumstances may require. (Digest, XIV.) A District Medical Society, for the purpose designated by Law (Digest, XII.), shall be formed in each Medical District—to consist of all the Fellows of the State Society residing within the District, and none other.

XIII. Every District Society shall hold its Annual Meeting for elections between the fifteenth of April and the fifteenth of May, and at least ten days before the Annual Meeting of the State Society. (XV.)

At the Annual Meeting of each District Society there shall be elected for said Society a President, who shall be, *ex-officio*, a Vice-President of the State Society (XXIII.); a Secretary; a Treasurer; a Librarian; a Commissioner of Trials (XXXI.); and such other officers as may be designated in said Society's By-Laws; also *by ballot* (Digest, XV.) the number of Councillors to which said Society may be entitled by By-Law XVII.; and, at the same time, five Censors for the examination of candidates in that District. (XX., XXI.)

If a District Society fail or omit, from any cause, to make the aforesaid elections, or any of them, the officers previously chosen shall hold their respective offices for the year next ensuing, and until others shall have been elected in their places. (Digest, XV.)

XIV. District Societies may in other respects make their own regulations, provided they are not incompatible with the By-Laws of the State Society. (Digest, XIII.)

XV. The Secretary of each District Society shall, at least ten days before the Annual Meeting of the Councillors, furnish the Recording Secretary of the State Society with the names and residences of the officers of his District Society, and of its Councillors and Censors for the year ensuing, together with the full names

1 and the residences of all those, not already reported, who have be-
 2 come Fellows in the District during the year—designating whether
 3 by original admission, after examination by the Censors of the Dis-
 4 trict, or otherwise; and shall also report to him any changes in
 5 the By-Laws of said District Society that may have been made
 6 during the year previous. (XXII.)

7 XVI. The Treasurer of each District Society shall collect the
 8 assessments within his District as soon as may be. He shall, on or
 9 before the Annual Meeting of the Councillors, make a full return
 10 to the Treasurer of the Society of all the assessments charged on
 11 his books, with the condition of each, whether paid or unpaid; and
 12 transmit the amount collected, after deducting such reasonable
 13 expenses as he may have incurred, and five per cent. for services;
 14 and such return and remittance shall be a full release from any de-
 15 mand arising from the charge created in By-Law XXVIII. He
 16 shall also report the deaths and removals which have occurred in
 17 the District, and any circumstances respecting the pecuniary abili-
 18 ties of the members which it may be important for the Treasurer
 19 to know. In case any District Treasurer shall neglect to make
 20 his return as herein provided, he shall be liable to be proceeded
 21 against according to law, for the whole amount of assessments
 22 charged to him on his list, provided the same do not exceed the
 23 sum which this Society is authorized by the charter to impose
 24 as a penalty for a breach of its By-Laws; but, should it exceed
 25 that sum, he may be proceeded against for that sum, in addition
 26 to the amount actually received by him.

COUNCILLORS.

27 XVII. Councillors shall be chosen by the District Societies,
 28 as directed in By-Law XIII.; each Society choosing, from among
 29 the Fellows residing within its District, in the proportion of one
 30 Councillor to every eight Fellows, as nearly as may be.

31 XVIII. There shall be three stated meetings of the Coun-
 32 cillors annually;—the first, which shall be the Annual Meeting,
 33 on the day preceding the Annual Meeting of the Society, and in
 34 the same city or town where the meeting of the Society is to be
 35 held;—the second, on the first Wednesday in October;—and the

third, on the first Wednesday of February, at such hour and place, in the city of Boston, as the President shall direct.

The President shall call a special meeting of the Councillors, whenever he may deem it expedient, or whenever five Councillors may request it in writing.

Nine Councillors shall be requisite to form a quorum for the transaction of business; but a smaller number may adjourn the meeting from time to time.

XIX. At their Annual Meeting, the Councillors shall choose, by ballot, the following officers of the Society; viz.: a President, Vice-President, Corresponding Secretary, Recording Secretary, Treasurer, and Librarian;—the officers so chosen, as also the Councillors, Censors and Commissioners of Trials, chosen by the District Societies, to hold their respective offices until others are chosen in their stead. (XXX.) The Councillors shall also designate, by vote, in what city or town within the Commonwealth, and on which Wednesday in the month of May or June, the Anniversary of the Society, for the next calendar year, shall be held; they shall choose, from among the Fellows of the Society, a Committee on Membership and Resignations, five in number, who shall also act as a Committee on Finances, a Committee on Ethics and Discipline, a Committee on Publications, a Committee of Arrangements for the Anniversary, and an Anniversary Chairman, whose duty it shall be to act as Chairman of the Committee of Arrangements, and to preside at the annual dinner for said year; and they shall also appoint a Fellow to deliver at said Anniversary Meeting a Discourse on some subject, of his own selection, connected with medical science. (Rules 13, 14.)

In case of the non-acceptance, death, or absence of the Anniversary Chairman, or of the Fellow appointed to deliver the Annual Discourse, it shall be the duty of the President of the Society, with the Committee of Arrangements for the anniversary, to appoint a substitute.

A copy of every Annual Discourse shall be deposited with the Recording Secretary within ten days after it has been delivered. (Rule 12.)

CENSORS.

1 XX. The Censors shall examine, according to the Rules and
2 By-Laws (I., II.), such candidates as have received the education
3 required, and are otherwise duly qualified for examination, and
4 none other. (Digest, XX.) Blanks, approved by the Council-
5 lers, shall be furnished the Censors by the Recording Secretary
6 of the State Society for the purpose of facilitating these exami-
7 nations.

8 The Censors shall meet as hereinafter designated, or at such
9 times as the Councillors may direct.

10 The Censors for the Suffolk District Society shall officiate for
11 that District and for the Society at large; and shall meet for the
12 examination of candidates, in Boston, on the Thursday next pre-
13 ceding the Annual Meeting of the Society (Digest, XIX.), and
14 on the third Thursday of September, and of December. They
15 may advertise these meetings in such manner as the Board may
16 determine; but they shall not examine any candidate who is
17 already a resident, or in practice, in any District except their
18 own.

19 The Censors of other medical Districts shall hold their meet-
20 ings for the examination of candidates residing in their respective
21 Districts, and none other, at the same place and on the same day
22 as the stated meetings of the District Societies themselves; but
23 shall not advertise unless the District Societies, at their own ex-
24 pense, direct it to be done. (II., XIII.)

25 Any meeting of Censors, whether a quorum be present or
26 not, may be continued by adjournment to such time, and place
27 within the District, as may be determined upon by the Censors
28 present.

29 The Board of Censors for each District, including the Record-
30 ing Secretary of the District, shall receive from the treasury of
31 the State Society the sum of three dollars for each and every
32 candidate examined by them; and each Censor who shall neglect
33 or refuse to attend a meeting of the Board, for which he has
34 been duly notified, without offering an excuse which shall be
35 satisfactory to those who do attend the same, shall pay a fine
36 of five dollars to the Treasurer of the State Society. (Di-
37 gest, III.)

XXI. Three Censors shall constitute a quorum, and the senior Censor shall preside. 1 2

Unless a quorum be present, no vote shall be taken except on the question of adjournment. (II.) 3 4

XXII. The Secretary of each District Society shall be Secretary of the Board of Censors for his District; and shall call and attend all the meetings of the Board. He shall report all unexcused absences to the Treasurer of the State Society. He shall keep a faithful record of the meetings and transactions of the Board in the Record Book of the District Society. He shall obtain, for successful candidates, from the Recording Secretary of the State Society, properly prepared certificates of Fellowship (Digest, XXVI.), for which he shall be responsible; and shall personally see that all the formal requirements of the By-Laws (I., II.) have been complied with by each candidate before giving the latter such certificate. 5 6 7 8 9 10 11 12 13 14 15 16

DUTIES OF OFFICERS.

XXIII. The PRESIDENT shall call all meetings of the Society and of the Councillors, and shall preside at the same. He shall perform such other duties as may be assigned to him. 17 18 19

In case of the disability of the President, his duties shall devolve on the Vice-President; who also, in the absence of the former, or at his request, shall officiate in his place. If both President and Vice-President are absent from any meeting, the senior President of a District Society present, or such Chairman as the Society or Councillors may appoint, shall preside *pro tempore*. (VII., XVIII., XXVIII., XXXI. Rules 12, 14, 6-8.) 20 21 22 23 24 25 26

XXIV. The CORRESPONDING SECRETARY shall have the charge and custody of all letters and communications transmitted to the Society or to the Councillors; and to him they should be addressed. He shall prepare and transmit whatever communications the Society or the Councillors may direct. He may cause letters or communications, written in any foreign language, to be translated into English. He shall perform such other duties as may be assigned to him. 27 28 29 30 31 32 33 34

1 XXV. The RECORDING SECRETARY shall keep the seal of
 2 the Society; and he shall have charge and custody of the Records
 3 of the Society and of the Councillors, and of all papers directed
 4 by them to be kept on his files. He shall give notice of, and at-
 5 tend, the meetings of the Society and of the Councillors: keep a
 6 fair record of their proceedings respectively, and of the doings of
 7 the Commissioners of Trials; and read, at the meetings of the So-
 8 ciety, all such communications as the Councillors may direct. He
 9 shall receive and record the nominations of candidates for Hono-
 10 rary Membership, and lay them before the Councillors at each
 11 stated meeting (IV.). He shall furnish the requisite blanks for the
 12 Censors, and shall attend to the preparation of Diplomas and
 13 certificates of Fellowship. One week at least before the Annual
 14 Meeting, he shall transmit to the Treasurer of the Society a cor-
 15 rect list of all who have become Fellows during the year, and shall
 16 read the same at the Annual Meeting of the Councillors and of
 17 the Society. He shall notify the Chairman of every committee
 18 appointed by the Society or Councillors, in each case stating the
 19 commission and the names of the Committee; and he shall perform
 20 such other duties as may be assigned to him. (XV., XIX., XX.,
 21 XXII., XXVI., XXVII., XXXI. Rules 1, 15, 1, 5.)

22 XXVI. If, at any meeting of the Society or of the Council-
 23 lers, or of a Board of Trial, or at any other meeting where such
 24 services are required, one of the Secretaries be absent, and the
 25 other present, the latter shall perform the services of both, so far
 26 as may be; but, as soon as possible, he shall arrange, and deliver
 27 over to the absent Secretary, the papers belonging to his depart-
 28 ment, with a copy of records or orders, as the case may be. If
 29 neither be present, a Secretary *pro tempore* may be appointed by
 30 the meeting. An assistant Secretary may be appointed by any
 31 meeting whenever the occasion may seem to require one.

32 XXVII. The Records of the Society and of the Councillors
 33 shall be produced at every anniversary meeting of the Society, and
 34 placed by the Secretary in some convenient place for the inspec-
 35 tion of such of the Fellows as are desirous of consulting them;
 36 and, at all other times, it shall be the duty of the Secretaries to
 37 grant every reasonable indulgence to any Fellow of the Society
 38 who may wish to examine the records.

XXVIII. The TREASURER shall give security for the trust 1
 reposed in him, whenever the Councillors shall judge it to be re- 2
 quisite, and the funds of the Society will admit of a compensation 3
 for his services. He shall demand and receive all money due to 4
 the Society, together with all bequests and donations. He shall, 5
 if necessary, sue for all fines and assessments due to the Society. 6
 He shall, under the direction of the Councillors, sell or lease any 7
 estate belonging to the Society, and execute the necessary papers. 8
 He shall, in general, have the care and management of the fiscal 9
 concerns of the Society, and keep an accurate statement of all re- 10
 cepts and expenditures. He shall not pay any money out of the 11
 treasury without a written order from the President. He shall 12
 subject his accounts to such examination as the Councillors may 13
 order. He shall annually render to the Society an account of his 14
 doings, and of the state of the funds in his hands. He shall, on 15
 or before the first of January, annually, send to the several District 16
 Treasurers lists of all the assessments remaining due from the 17
 members of the District Societies respectively, and shall author- 18
 ize these Treasurers to collect such assessments and shall charge 19
 the same to them. (XVI.) And he shall perform such other 20
 duties as may be assigned to him. (V., XVI., XXV. Rule 21
 7.) 22

XXIX. The LIBRARIAN shall have in his custody and charge, 23
 the books, museum, instruments and apparatus of the Society; he 24
 shall keep an accurate register of the same, and arrange them in 25
 a proper manner; and shall make such disposal of them, from 26
 time to time, as the Councillors may direct for the benefit of the 27
 Fellows. He shall make an annual statement of the business of 28
 his department to the Councillors; and he shall carefully record 29
 all donations made in his department to the Society. He shall 30
 distribute the publications of the Society in such manner as the 31
 Councillors shall direct; and he shall perform such other duties as 32
 may be assigned him. (Rule 4.) 33

XXX. Any officer of the Society may, for sufficient reasons, 34
 resign his office; or may be removed therefrom, by order of the 35
 Councillors, for neglect or misconduct; in either of which cases, 36

1 or on the death of any officer, the Councillors shall fill the
 2 office vacated as soon as may be convenient. In case of the tem-
 3 porary absence or disability of an officer, the remaining officers
 4 may, if need be, appoint a substitute to serve until the next meet-
 5 ing of the Councillors.

TRIALS FOR OFFENCES.

6 XXXI. When charges of infraction of the By-Laws shall be
 7 duly made against any Fellow of the Society (VII., VIII., IX.,
 8 X.), the President thereupon shall select five of the Commis-
 9 sioners of Trials (XIII.), who shall constitute a Board of Trial
 10 for the pending case. He shall appoint a time and place for the
 11 meeting of said Board, and shall notify the Commissioners ap-
 12 pointed, also the complainants and the accused party, of said
 13 time and place.

14 The said Board of Trial shall be empowered and required to
 15 meet as above provided, and three members shall constitute a
 16 quorum, though a less number may adjourn the meeting from time
 17 to time. If a quorum be present, they shall proceed to organize
 18 themselves, and to hear and try the charges aforesaid; and, if
 19 convinced that the charges have been substantiated by the com-
 20 plainants, they shall convict the accused; or, if otherwise, they
 21 shall acquit him; and in case of conviction, shall pass sentence,
 22 such as the laws of the Society authorize, which sentence shall
 23 take effect from the date of its confirmation by the Society.

24 If, after due notification, the accused party shall fail to ap-
 25 pear at the time and place of trial, without satisfactory excuse
 26 rendered at the time, he shall be considered as admitting the truth
 27 of the charges against him, and shall be liable to sentence
 28 accordingly.

29 Upon showing to the Councillors, at their next subsequent
 30 stated meeting, such cause as shall by them be deemed reasonable
 31 therefor, the accused shall be entitled to a revision of his trial by
 32 the Councillors, who may, according to their judgment, confirm or
 33 reverse the previous decision, or may order a new trial by another
 34 Board of Trial.

Legal counsel shall be inadmissible at trials; but Fellows of the Society may be heard as advocates on either side during a trial.

The Recording Secretary of the Society shall be Secretary of the Boards of Trial, and shall attend all trials and keep a record of the Commissioners present and of their doings at said trials, and shall report all unexcused absences to the Treasurer of the State Society. He shall enter the charges preferred, and the result of trial in each case, on the Records of the Society. In case of a conviction, after revision by the Councillors, or, if no appeal, after the time for revision has passed, he shall communicate the sentence to the Society, and move that it be confirmed—which motion shall be decided at once by the Society without debate. Whenever a sentence shall be thus confirmed, he shall send a notice thereof to the President of each of the District Societies, to be laid before said Societies. (XXV., XXVI.)

Each Commissioner, the Secretary, and the acting chairman of the Committee on Ethics and Discipline when prosecuting officer, shall be entitled to receive from the Treasury three dollars per diem for the time necessarily spent in a Trial, and in attendance on a Trial, with the necessary expenses of travel, as may be decided by the Board; and each commissioner who shall neglect or refuse to attend the trial for which he has been designated, without offering an excuse which shall be satisfactory to those who do attend the same, shall pay a fine of ten dollars to the Treasurer of the Society. (Digest, III.)

The President of the Society shall fill all vacancies by death or resignation, or by other causes, whether in the Commissioners of the District Societies, in the Boards of Trial, or in the Committee on Ethics and Discipline.

PUBLICATIONS.

XXXII. All Reports on scientific subjects, and all scientific papers, read to the Society or Councillors, shall be referred to the Committee on Publications, with instructions that they refer each respectively to a Committee of Experts, whose names shall not be disclosed, and such as the said Committee of Experts shall

1 designate as worthy of publication, may be published in such a
 2 way as the Committee on Publications, with the sanction of the
 3 Councillors, may direct; and at the expense of the Society, if
 4 there be unappropriated funds in the treasury.

ALTERATION OF BY-LAWS.

5 XXXIII. All proposals for alteration of the By-Laws shall
 6 be stated in writing.

7 No alteration of a By-Law shall take effect until it has received
 8 the concurrent vote of the Councillors and the Society; and
 9 no amendment affecting the import of said alteration shall be en-
 10 grafted on it without a like concurrent vote. But the Council-
 11 lers or Society may at any stated meeting, notice having been
 12 given at a previous stated meeting, or in the call for the meeting
 13 itself, adopt Rules and Orders for their better government, or alter
 14 or amend, or annul, the same; but these Rules or Orders shall not
 15 be temporarily suspended at any meeting except by an affirmative
 16 vote of at least three-fourths of the Fellows present.

17 The Society shall consider, and act on, By-Laws at adjourn-
 18 ments of anniversary meetings only, and not on the days of said
 19 meetings.

FORM OF SUBSCRIPTION.

*The Subscriber agrees to comply with the By-Laws of the Massa-
 chusetts Medical Society.*

RULES AND ORDERS

OF

THE SOCIETY.

At the annual meeting of the Fellows, the following order shall be observed in the transaction of business:—

1. The proceedings of the last annual meeting shall be read by the Recording Secretary, who shall also lay before the Society the records of the transactions of the Councillors for the year preceding, and shall report the names of those who have become Fellows or Honorary Members of the Society during that time.

2. Reports of Committees.

3. Attention shall be given to any scientific communications which the Councillors, or any Fellow of the Society, may present.

4. Any propositions or suggestions, which may be thought conducive to the welfare of the Society, or to the general interests of medical science, may be brought forward by any Fellow. Upon such propositions or suggestions, the Society shall decide by vote whether to engage in the consideration of the same.

5. When any Fellow wishes to speak in debate, he shall rise and address the presiding officer.

6. If a Fellow has spoken once in debate, he shall not speak to the prevention of another who has not spoken and manifests a desire to speak, nor more than twice without obtaining leave of the meeting.

7. A Fellow shall not interrupt another while speaking, unless to call him to order, or to correct a mistake.

8. A Fellow shall not speak on a subject after the question is put.

9. A motion shall not be considered unless seconded.

10. A Fellow shall not nominate more than one person for the same Committee, provided the first person nominated by him be chosen.

11. A vote shall not be reconsidered, at the same meeting, by a smaller number than was present at its passing. Yeas and nays may be ordered by one-third of the members present.

12. At twelve o'clock, M., the President shall call upon the person appointed to deliver the Annual Discourse; and other business shall be suspended until the discourse shall have been delivered.

13. On the day of the annual meeting, a dinner shall be provided, at the expense of the Society, under the direction of the Anniversary Chairman and the Committee appointed for that purpose.

14. An invitation to the dinner may be given to such professional strangers as the President of the Society, or Anniversary Chairman, shall think proper to notice in this manner.

15. Literary gentlemen interested in medical science, and students in medicine, shall be publicly invited to hear the Annual Discourse.

RULES AND ORDERS

OF

THE COUNCILLORS.

1. A publication shall be issued annually, under the direction of the Committee on Publications, the Treasurer, and the Secretaries of the Society, as early as may be after the annual meeting. Such publication shall contain the Annual Discourse, unless otherwise directed by the Society or the Councillors, and such other medical communications as the Society or the Councillors may authorize to be so published; and, in an Appendix, an abstract of the Proceedings of the Society and of the Councillors, comprising the names of all Councillors present at each meeting of the Board; the record of their transactions, excepting such as are of a private or personal nature; a list of the officers of the Society, and of each District Society; and a list of those who have become Fellows or Honorary Members, and of those who have resigned Fellowship or deceased during the preceding year.

2. There may also be annually prepared, under the direction of the Councillors and at the expense of the Society, a Retrospect of the Medical Literature and Science of the preceding year, having reference especially to discoveries and improvements of practical value.

3. All printed publications shall be in octavo.

4. All publications of the Society shall be distributed by the Librarian, by mail or by express, or through the medium of the District Societies, unless otherwise especially requested, to Fellows who have paid their dues for the corresponding year, and to such Honorary and Retired Members as may annually apply for them.

5. The Recording Secretary shall issue, and send by mail to every Fellow, one month before each annual meeting, a circular, which shall contain—

A notification of the time and place of the annual meeting of the Fellows; —

A similar notification of the stated meetings of the Councillors for the whole year, and of the stated meetings of the Board of Censors for the Suffolk District ; —

All necessary information concerning the payment of assessments, admission to the annual dinner, and the distribution of the Society's publications ; —

The conditions of admission to the Society, and all necessary information concerning the steps to be taken by those desirous of it.

6. At meetings of the Councillors, all nominations of Committees shall be made by the President, unless otherwise ordered.

7. At the annual meeting of the Councillors, the following Standing Committees shall be appointed : viz., a Committee on Publications, a Committee on Membership and Finances, a Committee of Arrangements for the Anniversary, and a Committee on Ethics and Discipline.

8. At the third stated meeting of the Councillors, there shall be chosen a Committee to examine the Treasurer's accounts, on the week preceding the annual meeting, and a Committee to examine the By-Laws of the District Societies, to see whether they conform to the Laws of the State and of the State Society ; which Committees shall make their reports to the Councillors at their annual meeting.

9. The officers of the Society shall retain their places until the close of the annual meeting of the Society, and the last official act of a retiring President, previous to the final adjournment of the Society on Wednesday of the said annual meeting, shall be the yielding of his chair to his successor elect, if the latter be present.

10. Balloting for Honorary Members shall be by black and white balls.

STANDING VOTES AND RESOLVES.

Voted, That the annual assessment be five dollars. (*Councillors' Proceedings*, May 29, 1866.)

Voted, That the fee for the engraved diploma of Fellowship be fixed at five dollars. (*Councillors' Proceedings*, May 29, 1866.)

Resolved, That it shall be the duty of each District Medical Society, at its meeting next preceding the Annual Meeting of the State Society, to select one of its Councillors as its representative in the Nominating Committee for the Officers of said State Society; and in case of neglect of any District Society in the performance of such duty, the selection shall devolve on its Councillors who shall be present at such Annual Meeting. (*Councillors' Proceedings*, Feb. 4, 1874.)

Voted, That for the purpose of giving greater permanency to the composition of the several Boards of Censors, and thereby rendering their action more consistent and more efficient, the Councillors recommend to the District Societies a reelection at each annual meeting of, at least, three of the old Board; and also urge the exercise of the utmost care in selecting those who are to fill the important office of Censor. (*Councillors' Proceedings*, Oct. 7, 1874.)

To prevent misunderstanding with regard to admission into the Massachusetts Medical Society,

Resolved, By the Councillors, with the concurrence of the Society:—

That the only courses of lectures recognized are those of regularly-organized medical colleges empowered to confer the degree of M.D.,—courses embracing the several branches enumerated in By-Law I.;

That tickets or diplomas of Botanic, Eclectic or Homœopathic colleges, or of colleges devoted to any peculiar or exclusive system of medicine, are considered irregular, and will not be recognized under any circumstances;

And, That certificates from teachers who practise any peculiar or exclusive system of medicine, who advertise, or who violate in

any way the code of ethics adopted by the profession in this State, will not be taken, even though the teacher himself be a regular graduate in medicine. (*Councillors' Proceedings*, Oct. 7, 1874; *Society's Proceedings*, Oct. 7, 1874.)

Voted, That in the opinion of the Councillors no person should be admitted to membership who deals in, or offers for sale, secret medicines. (*Councillors' Proceedings*, Feb. 3, 1875.)

Resolved, That in the opinion of the Councillors it is "unbecoming" and deserving of penalty for a Fellow of the Massachusetts Medical Society not to appear as a witness before a Board of Trial, when summoned there by the Committee on Ethics and Discipline, without sending at the time an excuse satisfactory to the Board of Trial. (*Councillors' Proceedings*, Feb. 3, 1875.)

Voted, That Fellows whose assessments are in arrears for one year or more, shall not be entitled to receive any Publications for those years, unless the same be on hand. (*Councillors' Proceedings*, Oct. 6, 1875.)

Voted, Whenever a Fellow of this Society owing more than one assessment pays for one year or more, the payment or payments so made shall be invariably considered as for the assessments longest due, and for none others. (*Councillors' Proceedings*, June 13, 1876.)

Voted, That "the current year," By-Law I. p. 10, line 2, for the purposes of said By-Law, begin on the fifteenth of April of each year; all resolves or votes to the contrary are hereby annulled. (*Councillors' Proceedings*, June 13, 1876.)

Voted, That all charges against Fellows of the Massachusetts Medical Society of a *criminal* nature should be referred by the Fellow cognizant thereof to the *legal prosecuting officer* of the District where they occur. (*Councillors' Proceedings*, June 12, 1877.)

CODE OF ETHICS

OF THE

MASSACHUSETTS MEDICAL SOCIETY.

Object of a Code of Ethics.

1 The Massachusetts Medical Society is designed to secure to
2 the public a body of well-educated and otherwise trustworthy
3 physicians. Its code of ethics is intended to furnish certain
4 principles and rules of action for their guidance and convenience.

I.

The Relation of the Physician to Medical Science.

5 A physician should lend his influence to encourage sound
6 medical education, and to uphold in the community correct
7 views of the powers and the limitations of medical science and
8 art.

II.

The Relation of the Physician to Medical Business.

9 The professional success of a practitioner depends upon quali-
10 ties connected with his moral character, his scientific attainments,
11 and also his industry and business talent. But the relation of
12 practitioners of medicine to families and households is not like
13 that of tradesmen to their customers. The kind of competition
14 which might be considered honorable in business cannot exist
15 between physicians without diminishing their usefulness and
16 lowering the standing of the medical profession. (See IV. § 1;
17 V. § 1.)

III.

The Relation of the Physician to his Patients.

18 The first duty of the practising physician is to his patient, who
19 has a right to expect that his disease shall be thoroughly inves-
20 tigated and skilfully treated, with charitable consideration for

21 his mental peculiarities or infirmities, and in a relation strictly
22 confidential.

23 1. The physician should not make unnecessary visits. He should neither
24 permit needless apprehension, nor fail to give seasonable notice of danger.

IV.

The Relation of the Physician to other Practitioners and to their Patients.

25 In his relations with another medical practitioner and his pa-
26 tients, a physician should be governed by strict rules of honor
27 and courtesy. His conduct should be such as, if universally
28 imitated, would insure the mutual confidence of all medical prac-
29 titioners.

30 The foregoing rule should be a sufficient guide of action. Some of the fol-
31 lowing contingencies will illustrate its application:—

32 1. A physician should take no step with a view directly or indirectly
33 to divert to himself the patient or practice of another physician.

34 2. If formally requested to assume charge of a patient or family usually
35 attended by another physician, he should consent to do so only after notifying
36 the latter,—unless the case be one of pressing necessity.

37 3. If a physician is called to a patient during the temporary absence or
38 illness of the usual physician, or in case of accident or other emergency, he
39 should direct that the former be sent for as soon as he is able to take charge of
40 the case, and should then relinquish it to him. It is generally agreed, that,
41 among several physicians thus called, he who first arrives shall act, unless the
42 family designate another.

43 4. A communication from the temporary to the usual physician, in the absence
44 of the latter, should be written and sealed, and not simply verbal.

V.

The Relations of the Physician to Quackery.

45 In every community there are minds naturally inclined to
46 quackery, which has flourished in every age. It grows by being
47 noticed, and thrives best under opposition. It is commonly un-
48 wise to employ argument against it. But a physician should
49 lend his influence to establish a distinct line between the regular
50 practice of medicine and the practice of quackery, and should
51 avoid any act which might tend to weaken such a distinction
52 either in the professional or in the public mind.

53 1. Thus, he should not consult with an irregular practitioner (*see By-Laws*);
54 nor countenance the use of secret remedies; nor be interested in medical trade-
55 marked preparations; nor give certificates recommending mineral waters, patents,
56 or medical preparations, or the like; nor give a commission to an apothecary, nor
57 receive one from him; nor advertise himself or his practice in public print;
58 nor publicly advertise advice or medicines to the poor, etc.

VI.

Consultations.

59 Consultation should be encouraged in cases of unusual re-
60 sponsibility or doubt.

61 A consultation is called for the benefit of the patient, and
 62 to give him the advantage of collective skill. Should there be
 63 a difference of opinion, discussion should be temperate, and
 64 always confidential.

65 A consulting physician should be careful to say or do no-
 66 thing to impair the confidence of the patient or his family in the
 67 attending physician.

68 1. See, for guidance of a consultant, IV. §§ 1, 2, 3, 4.

69 2. At a consultation punctuality is important; and non-arrival within
 70 fifteen minutes after the appointed time should be interpreted as non-attend-
 71 ance.

72 3. For the advantage of the patient, and for economy of time, it is well in
 73 a consultation to observe a certain order of business. The following has been
 74 found convenient:—

75 The attending physician, having stated in general terms the nature of the
 76 case, may then call, in turn, upon each consultant, if there be more than one,
 77 to examine the patient,—the usual order being that of seniority. No consult-
 78 ant should make an examination or inquiry out of turn. On retiring, the
 79 attending physician may invite, in the usual order, the opinion of each con-
 80 sultant, who should not be interrupted while giving it; after which he may
 81 add his own. In conclusion a course of action may be agreed on, or the
 82 attending physician may be left to act at his own discretion.

VII.

Fees.

83 A fee-table has a local application, and is designed to indicate
 84 a fair or average amount due for services. But if the patient
 85 fully understands it beforehand, a physician is at liberty to place
 86 any value he sees fit upon his services. It is then at the pa-
 87 tient's option to decline them or to pay the price. A physician
 88 should be considerate of the poor.

89 1. A patient in moderate circumstances should not be called on to pay a fee
 90 unusually large for the service rendered, without a previous explicit understanding.
 91 A physician, if able, should offer to pay the medical attendant of himself or his
 92 family. Unless by special agreement, a physician attending or acting for another
 93 should receive the fees. Among obstetricians a rule obtains that the interval
 94 between the birth of the child and of the placenta halves the service and the fee.
 95 A fee should be charged for a medical certificate or paper of value to the applicant,—
 96 connected, for example, with absence or exemption, life insurance, pension papers,
 97 etc.; except the usual certificates of vaccination and death.

VIII.

Seniority.

98 Seniority applies rather to duration of practice at the place in
 99 question, than to age.

